UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 July 2005_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-7 and 9-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-7 and 9-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7, 9-14, 18, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818) and in

further view of *Hughes* (US 6,892,196).

As per claims 1, 10, 18, and 20, *Furlong* teaches a method for remote updating

of intelligent household appliances where a message from the intelligent appliance

requesting a new recipe program, wherein the message is being sent without user

intervention, for transmitting the new recipe to the intelligent appliance once find in an

external database of recipe programs. (Abstract, pgs. 1, 2 [0004-0007], [0011-0014])

Furlong further teaches storing recently used recipe programs in a memory of the

intelligent appliance. (*Furlong*, [0014]) *Furlong* teaches an intelligent device (12, Fig.1)

with a subsystem 20 that includes a computer (22), a keyboard (24), a display (26), a

scanner (28) and a modem (30) for reading barcodes/UPC codes via a scanner,

wherein the barcodes/UPC codes are associated with a recipe program that may or

may not be stored in a memory of the intelligent device. The intelligent

device/subsystem is able to determine if a particular barcode/UPC code is already stored in memory 34. If it is determined that the particular barcode/UPC code is not stored in memory 34 than the intelligent device establishes communication with an external database (18), via a modem 30 in the subsystem 20 and without user intervention, where the associated recipe program is found and downloaded to the intelligent device. *Furlong* also teaches wherein the intelligent appliance can download from the Internet and not just the external database. In other words, *Furlong* teaches of automatically obtaining the recipe program associated with the barcode/UPC code that is not already stored in memory 34.

Therefore, one of ordinary skill would readily recognize that *Furlong* could utilize the intelligent appliance subsystem to download a plurality of other recipe software from Internet in general. However, *Furlong* does not expressly teach selecting a plurality of recipe programs associated with an intelligent appliance and storing the recipe program in a user profile in the intelligent appliance subsystem.

Nonetheless, *Ali* teaches an intelligent appliance (10) with an appliance computer (14,Fig. 1) that has access to the Internet that will enable a user to select and store in memory a plurality of recipe programs to be downloaded to the intelligent appliance based on a user profile. (*Ali*, col. 3, lines 25-67, Fig.2)

It would have been obvious to one of ordinary skill at the time the invention was made to implement the user profile of *Ali's* intelligent appliance that allows a user to

select and store in memory individual recipe programs based on a particular user into

Furlong's intelligent appliance subsystem. Doing so add and expand the flexibility to

Furlong's intelligent appliance by allowing a user to select from the Internet and store in

the intelligent appliance individual recipes preferences, for example, recipes according

to weight control or for cholesterol reasons in a user profile. (*Ali*, col. 3, lines 60-63)

Further, *Ali* teaches a method of when the user profile is remote from the

intelligent appliance. *Ali* teaches in one design wherein the program 26 inputs a user

profile 54, and the program 26 modifies the cooking recipe 28 (such as an Internet-

downloaded cooking recipe 40) based on the user profile 54. In another design, the

program 26 of the appliance computer 14 (or the Internet-accessing appliance

computer 38) inputs a user profile 54 and sends the user profile 54 to the host

computer 58 (or Internet-accessible host computer 60) which modifies the cooking

recipe 28 (or Internet-downloaded cooking recipe 40) based on the sent user profile 54

before downloading the cooking recipe 28 (or Internet-downloaded cooking recipe 40)

as an input to the program 26 of the appliance computer 14. (col. 4, lines 50-col. 5,

lines 1-36) Therefore, it would have been obvious to one of ordinary skill that *Ali's*

individual user profiles or an instance of the user profiles are sent to a host

computer/Internet and used to determine the type of cooking recipes (food restrict or

modifications, etc.) that should be downloaded to the intelligent appliance according to

the specific user profile. *Ali* teaches a method of using the host computer to download

and store cooking recipes. Therefore, one of ordinary sill would readily recognize that

the user profiles related to special cooking recipes would also be stored on the host computer because *Ali* teaches wherein cooking recipes are modified by the host computer based on the user profile.

Nonetheless, *Ali* does not clearly teach wherein a user profile related to an intelligent appliance is remotely located from the intelligent appliance. *Hughes* teaches a system for a user to access a user profile wherein the user's profile is centrally stored in a user's profile database (3610). Hughes teaches wherein the user is able to gain access to services related to kitchen appliances, water meters, etc. via a host computer or PDA. Further, the kitchen appliance is can access the public Internet 3630 over TCP/IP is able to request information from the profile database via intelligent HTTP requests. The user makes use of the profile to further personalize services related to the kitchen appliance. Any updated information about the kitchen appliance is obviously saved in the user's profile database. (*Hughes*, col. 44, lines 21 – col. 45, liens 1-49) Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to implement *Hughes'* system that remotely stores user's profiles wherein the user's profile is used to gain access to a kitchen appliance in *Furlong-Ali* because doing so would enables the user to change/update information related to the kitchen appliance from any remotely located host computer or PDA. Furthermore, one of ordinary sill would readily recognize that the user profiles related to special cooking recipes, as taught by *Ali*, could also be stored in the user's profile that are modified by the host computer (*Ali*) based on the user profile.

As per claims 2 and 11, *Ali* teaches identifying a user profile associated with the intelligent appliance; and formatting a message containing the current plurality of recipes in the user profile.

As per claim 3 and 12, *Ali* teaches identifying the possible recipe programs that are capable of being associated with the intelligent appliance. (*Ali*, col. 5, lines 2-16)

As per claim 4 and 13, *Ali* teaches generating a list of recipe programs from which the plurality of recipe programs associated with an intelligent appliance are selected. (*Ali*, col. 5, lines 2-16)

As per claims 5 and 14, *Ali* teaches accessing wherein the intelligent appliance has Internet accessing ability either with computer 14 or a host computer 58, therefore, it would have been obvious to one of ordinary skill that a web browser is used when accessing profile data via the Internet. (*Ali*, col. 4, lines 50 - col. 5, lines 24-35)

As per claim 7 and 9, *Furlong-Ali* teaches a data structure stored in memory, comprising:

a user identifier (user profile, *Ali*) are associated element that identifies a record in a database (host computer/internet, *Ali*); and an appliance identifier (10, *Ali*) element linked to the user identifier element that identifies an intelligent appliance; and a plurality of recipe program elements linked to the appliance identifier element. (*Ali*, Abstract, pgs.

1, 2 [0004-0007], [0011-0014]) *Ali* is silent in respect to a unique product code element associated with at least one of the plurality of recipe program elements. *Furlong* teaches wherein the unique product code element is a UPC code ([0012]) element. *Furlong* teaches an intelligent device (12, Fig.1) with a subsystem 20 that includes a computer (22), a keyboard (24), a display (26), a scanner (28) and a modem (30) for reading barcodes/UPC codes via a scanner, wherein the barcodes/UPC codes are associated with a recipe program that may or may not be stored in a memory of the intelligent device. Therefore, one of ordinary skill would readily recognize that *Furlong* could utilize the intelligent appliance subsystem to download a plurality of other recipe software from Internet in general related to the user profile of *Ali*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818) and *Hughes* (US 6,892,196), as applied to claims 1-5, 10-14, and 20 above, and further in view of *Abrams et al.*, (US 6,587,739), previously sited in paper #7.

As per claim 6 and 15, *Furlong* and *Ali* both teach downloading the plurality of

recipes to the intelligent oven. (*Furlong*, [0014], *Ali*, col. 2, lines 44-47) However, both

Furlong and *Ali* are silent in respect to the intelligent appliance consisting of a bread

machine or a coffeemaker. Nonetheless, *Abrams* teaches a system wherein a plurality

of recipes could be download for intelligent bread machine or coffeemaker. It would

have been obvious to one of ordinary skill at the time the invention was made that

intelligent bread machines or coffeemakers (See prior art *Abrams*, Fig.5b, sited paper

#7) are well known in the art, therefore, it would not be out of the scope for *Furlong's* or

Ali's systems to be implemented in other intelligent appliances described by *Abrams*

without depart the inventive concepts, because doing so would simply expand the

flexibility of *Furlong's* and *Ali's* intelligent appliance system.

Claims 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over *Furlong*, (US 2002/0123824 A1) and *Ali*, (US 6,549,818) and *Hughes*

(US 6,892,196), as applied to claims 1-5, 10-14, and 20 above, and further in view of

Krichilsky et al., (US 2002/0152200).

As per claim 16, 17, and 19, *Furlong -Ali* expressly teach obtaining a recipe

program based on a user profile when the recipe program is not currently in the

intelligent appliance by downloading the new recipe program from an external database,

however, *Furlong-Ali* are silent in respect to and updating a user profile with a

continuing request for a new program if the new recipe is not found in the external

database. However, *Krichilsky* teaches an ordering system wherein a user signs in at a

website with a user-id and password that will enable the user to order products. If the

user requests an item that is currently not in the database (in stock) then the user (via

user's id) is put on a 'wait' or 'watch' list. When the requested item becomes available

the user is notified via fax, email, or the product is automatically ordered and sent to the

user. (*Krichilsky,* pg. 3, [0050],[0036])

It would have been obvious to one of ordinary skill at the time the invention was

made to implement *Krichilsky's* method that allows a user (via user's id) to place an

unavailable product on a 'wait' or 'watch' list and either order the product or notify the

user when the product becomes available with *Furlong-Ali.* Doing so would enhance

Furlong-Ali's system by placing the user (via user's profile) on a 'wait' or 'watch' list for

specific user recipes that are currently unavailable on the external database, wherein,

the user is automatically notified when the specific user recipes become available

thereby ensuring that the user and the intelligent appliance will eventually receive the

desired recipe.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tammara Peyton whose telephone number is (571)

272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to

Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to

reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim

Huynh can be reached on (571) 272-4147. The fax phone number for the organization

where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a

general nature of relating to the status of this application should be directed to the

Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft

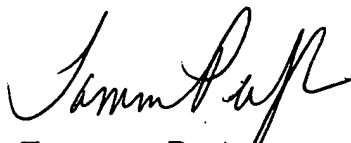communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

Tammara Peyton

October 14, 2005

TAMMARA PEYTON
PRIMARY EXAMINER